

Baker & Hostetler LLP

45 Rockefeller Plaza

New York, NY 10111

Telephone: (212) 589-4200

Facsimile: (212) 589-4201

David J. Sheehan

Nicholas J. Cremona

Christa C. Turner

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and for the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

TRUST F/B/O MELISSA PERLEN U/A DATED
9/12/1979; STUART PERLEN and MYRA
PERLEN, in their capacities as Trustees for the
Trust f/b/o Melissa Perlen u/a dated 9/12/1979; and
MELISSA PERLEN (a/k/a MELISSA PERLEN
GREENBAUM), in her capacity as Grantor of the

Adv. Pro. No. 10-05203 (SMB)

Trust f/b/o Melissa Perlen u/a dated 9/12/1979 and
individually,

Defendants.

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL OF ADVERSARY
PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), by and through his counsel, Baker & Hostetler LLP, and defendants, Trust f/b/o Melissa Perlen u/a dated 9/12/1979 (the “Melissa Perlen Trust”), Stuart Perlen and Myra Perlen, in their capacities as trustees for the Melissa Perlen Trust, and Melissa Perlen (a/k/a Melissa Perlen Greenbaum), in her individual capacity and as grantor of the Melissa Perlen Trust (collectively, “Defendants”), and with the Trustee, the “Parties”, by and through their counsel, hereby stipulate and agree to the following:

1. On December 3, 2010, the Trustee commenced this adversary proceeding against Defendants.

2. On December 10, 2015, the Parties entered into a settlement agreement pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [Dkt. No. 3181] (the “Settlement Agreement”).

3. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of the Trustee’s claims against Defendants in the above-captioned adversary proceeding.

4. The provisions of this Stipulation shall be binding upon and shall inure to the

benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

5. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: December 22, 2015

BAKER & HOSTETLER LLP

By: s/ Nicholas J. Cremona
45 Rockefeller Plaza
New York, New York 10111
Telephone: 212.589.4200
Facsimile: 212.589.4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Nicholas J. Cremona
Email: ncremona@bakerlaw.com
Christa C. Turner
Email: cturner@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities
LLC and for the Estate of Bernard L. Madoff*

By: s/ Jonathan L. Flaxer
GOLENBOCK EISEMAN
ASSOR BELL & PESKOE LLP
437 Madison Avenue
New York, New York 10222
Telephone: 212.907.7300
Facsimile: 212.754.0777
Jonathan L. Flaxer
Email: jflaxer@golenbock.com
Michael S. Weinstein
Email: mweinstein@golenbock.com

Attorneys for Defendants

SO ORDERED

Dated: December 22nd, 2015

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE